

REMARKS

This paper is presented in response to the Office Action. By this paper, claims 1, 2, 7, 8, 11, 16 and 17 are amended, claim 14 is canceled and new claim 20 is added. Claims 1-13 and 15-20 are now pending.

Reconsideration of the application is respectfully requested in view of the aforementioned amendments and the following remarks. For the convenience and reference of the Examiner, Applicant's remarks are presented in the order in which the corresponding issues were raised in the Office Action.

I. General Considerations

Applicant respectfully notes that the remarks herein do not constitute, nor are they intended to be, an exhaustive enumeration of the patentable distinctions between any cited references and the invention, example embodiments of which are set forth in the claims of this application. Rather, and in consideration of the fact that various factors make it impractical to enumerate all the patentable distinctions between the invention and the cited art, as well as the fact that the Applicant has broad discretion in terms of the identification and consideration of the base(s) upon which the claims distinguish over the cited references, the distinctions identified and discussed herein are presented solely by way of example. Consistent with the foregoing, the discussion herein is not intended, and should not be construed, to prejudice or foreclose contemporaneous or future consideration by the Applicant, in this case or any other, of: additional or alternative distinctions between the invention and the cited references; and/or, the merits of additional or alternative arguments.

With specific reference now to the claim amendments, Applicant notes that while claims 1, 2, 7, 8, 11, 16 and 17 have been amended herein, such amendments have been made in the interest of advancing this case to early allowance. Notwithstanding, Applicant, may, on further consideration, determine that claims of broader scope than those now presented are supported. Accordingly, Applicant hereby reserves the right to file one or more continuing applications with claims broader in scope than the claims now presented.

Consistent with the points set forth above, Applicant submits that neither the claim amendments set forth herein, nor any other claim amendments or statements advanced by the Applicant in this or any related case, constitute or should be construed as, an implicit or explicit surrender or disclaimer of claim scope with respect to the cited, or any other, references.

II. Objections to Claim 7 and 8

The Examiner has objected to claims 7 and 8 because of various informalities. Applicant submits that in view of amendments made herein to claims 7 and 8, the objections to the claim have been overcome and should be withdrawn.

III. Rejection of Claims 1-19 under 35 U.S.C. § 102

Applicant respectfully notes that a claim is anticipated under 35 U.S.C. § 102(a), (b), or (c) only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. Further, the identical invention must be shown in as complete detail as is contained in the claim. Finally, the elements must be arranged as required by the claim. *MPEP § 2131*.

a. Rejection based on *Shirk*

The Examiner has rejected claims 1-19 under 35 U.S.C. § 102(c) as being anticipated by U.S. Patent Publication No. 2005/0003696 to Shirk et al. (“*Shirk*”).¹ Applicant respectfully disagrees but submits that in view of the discussion and claim amendments set forth herein, the rejection is moot and should be withdrawn.

By this paper, Applicant has amended independent claims 1, 11 and 16 to recite that one of the claimed release mechanisms comprises “...a tool configured to releasably engage the housing...” In contrast, the Examiner has not established that *Shirk* teaches this limitation in combination with the other limitations of the rejected claims.

In light of the foregoing, Applicant respectfully submits that the Examiner has failed to establish that *Shirk* anticipates claims 1, 11 and 16, at least because the Examiner has not established that each and every element as set forth in claims 1, 11 and 16 are found in *Shirk*, because the Examiner has not established that the identical invention is shown in *Shirk* in as complete detail as is contained in claims 1, 11 and 16, and because the Examiner has not shown that *Shirk* discloses the elements arranged as required by claims 1, 11 and 16. Applicant thus respectfully submits that the rejection of claims 1, 11 and 16, as well as corresponding dependent claims 2-10, 12, 13, 15 and 17-19, should be withdrawn.

b. Rejection of claim 2 based on *Shirk*

Applicant notes that, as amended herein, claims 1, 11 and 16 are similar to the previously unamended version of claim 2, inasmuch as those claims each recite a “tool” as comprising one of the claimed “release mechanisms.” In the Office Action, the Examiner rejected claim 2, asserting that “The fact that Shirk prefers and provides a self-contained release mechanism does not render the module incapable of receiving a conventional release tool.” *Office Action* at 3. Applicant notes however, that contrary to the implied

¹ Because *Shirk* is only citable under 35 U.S.C. § 102(c), Applicant does not admit that *Shirk* is in fact prior art to the claimed invention but reserves the right to swear behind *Shirk* if necessary to remove it as a reference.

assertion of the Examiner, a failure of a reference to foreclose a possible arrangement is plainly insufficient to establish that the reference actually discloses that arrangement. Thus, whether or not the aforementioned assertion by the Examiner is true, the Examiner has nonetheless failed to establish that the *Shirk* device *is* capable of interacting, in the claimed fashion, with a “tool.”

In light of the foregoing, Applicant respectfully submits that the Examiner has failed to establish that *Shirk* anticipates claim 2 (or amended claims 1, 11 and 16 and their respective dependent claims).

c. **Rejection based on HTR6534**

The Examiner has rejected claims 1 and 10 under 35 U.S.C. § 102(a) as being anticipated by HTR6534 Series Product Data Sheet (“*HTR6534*”). Applicant respectfully disagrees but submits that in light of the amendments and discussion set forth herein, the rejection is moot and should accordingly be withdrawn.

As noted above, Applicant has amended independent claims 1, 11 and 16 to recite that one of the claimed release mechanisms comprises “...a tool configured to releasably engage the housing...” In contrast, the Examiner has not established that *HTR6534* teaches this limitation in combination with the other limitations of the rejected claims.

In light of the foregoing, Applicant respectfully submits that the Examiner has failed to establish that *HTR6534* anticipates claim 1, at least because the Examiner has not established that each and every element as set forth in claim 1 is found in *HTR6534*, because the Examiner has not established that the identical invention is shown in HTR6534 in as complete detail as is contained in claim 1, and because the Examiner has not shown that *HTR6534* discloses the elements arranged as required by claim 1. Applicant thus respectfully submits that the rejection of claim 1, as well as corresponding dependent claim 10, should be withdrawn.

IV. New Claim 20

By this paper, Applicant has added new dependent claim 20, which depends from claim 1. Support for the new claim can be found, for example, at Figures 7 and 8A-B and the corresponding discussion in the specification. New claim 20 is believed to be in allowable condition for at least the reasons set forth herein.

CONCLUSION

In view of the remarks submitted herein, Applicant respectfully submits that each of the pending claims 1-13 and 15-20 is in condition for allowance. Therefore, reconsideration of the rejections is requested and allowance of those claims is respectfully solicited. In the event that the Examiner finds any remaining impediment to a prompt allowance of this application that could be clarified in a telephonic interview, the Examiner is respectfully requested to initiate the same with the undersigned attorney.

Dated this 15th day of August 2007.

Respectfully submitted,

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